information at different locations according to wavelength and to be detected by said optical detector at the different locations.

34.(original) The biochip reader of claim 33, wherein said spectroscopic information is developed in a two dimensional manner when said plurality of samples are arranged in spots on said biochip surface.

35. (original) The biochip reader of claim 33, wherein a microscope is selected from the group consisting of a scanning confocal microscope, a non-scanning confocal microscope, and a 2-photon excitation micoscope.

36.(original) The biochip reader of claim 33, wherein said spectroscopic information is separated from noise..

37.(original) The biochip reader of claim 33, wherein the area of spectroscopy is restricted by an aperture aligned with position of each sample or part thereof.

38.(orignal) The biochip reader of claim 33, wherein said biochip comprises a transparent substrate, and wherein said excitation light is irradiated onto one side of said biochip which is opposite to a side surface wherein said plurality of samples are arranged.

REMARKS

Claims 33-38 are now in the application, replacing claims 1-6, 22 and 32, which have been cancelled to expedite prosecution.

In view of new claims 33-38, the Sec.112 objections are now believed to no longer relevant. The claimed elements each are disclosed in the drawing and/or specification.

The Sec. 102 rejections over Ogino (5,422,712) and Kauvar (6,492,125) are no longer applicable in view of the new clams 33-38.

Our invention is directed toward reading a sample on a biochip surface. We use a diffractor, or a dichomatic mirror or a Fourier spectrometer to cause the splitting of the fluorescent light from the biochip samples and then the detection thereof a different locations depending on the wavelengths.

In contradistinction, Ogino's method is for detecting a particle in a LIQUID FLOW, such as in FLOW CELL 16.

We recite in claim 33 "a plurality of biological samples" provided as "spots or an array" on a surface of the biochip". Thsse are then "read" as "image data". In contrast, Ogino reads the "particles" such as "blood and urine" contained in a "sample liquid flow". The two disclosure are clearly different, and there is no Section 102 "anticipation" by Ogino of the instantly claimed invention.

Furthermore, in contrast Kauvar teaches the varying of the ratio of two or more signals generated moieties to obtain multiples of different lables. Clearly, FIG. 1 does not employ any grating or dichomic mirror or Fourier spectrosopy to spit the sample emitted fluorescent light. T: re is no Sec 102 "anticipation" by

Kauvar of the instantly claimed invention.

Moroever, Kauvar is concerned about "particulate labels" to wh..h are found at least two distinguishable signal generating moities. Also, in FIG. 1, in order to be operative, Kauvar utilizes "emission" filter, "shutters" and "emission filter wheels", and"an excitation filter wheel." Clearly, the disclosure of Kauvar is different from and not "anticipatory" of the instantly claimed invention.

In view of the foregoing, clearly, there is no "anticipation" under 102 by either Ogino or Kauvar, and the rejections should be withdrawn and the application allowed. Accordingly, such allowance is respectfully solicited.

Respectfully

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